

BOARD OF SUPERVISORS

MINUTES

March 10, 2004

Supervisors in Attendance:

Mr. Kelly E. Miller, Chairman
Mr. Edward B. Barber, Vice Chrm.
Mrs. Renny B. Humphrey
Mr. R. M. "Dickie" King, Jr.
Mr. Arthur S. Warren

Mr. Lane B. Ramsey
County Administrator

Staff in Attendance:

Colonel Carl R. Baker,
Police Department
Mr. George Braunstein,
Exec. Dir., Community
Services Board
Ms. Jana Carter, Dir.,
Youth Services
Ms. Marilyn Cole, Asst.
County Administrator
Ms. Mary Ann Curtin, Dir.,
Intergovtl. Relations
Mr. Mike Dance, Asst.
Dir., Accounting
Ms. Rebecca Dickson, Dir.,
Budget and Management
Mr. Robert Eanes, Asst. to
the County Administrator
Ms. Lisa Elko, CMC
Clerk
Chief Stephen A. Elswick,
Fire Department
Mr. Michael Golden, Dir.,
Parks and Recreation
Mr. Lawrence C. Haake, III
Registrar
Mr. Bradford S. Hammer,
Deputy Co. Admin.,
Human Services
Mr. John W. Harmon,
Right-of-Way Manager
Mr. Russell Harris, Mgr.
of Community Development
Services
Mr. Joseph Horbal,
Commissioner of Revenue
Mr. Thomas E. Jacobson,
Dir., Planning
Mr. H. Edward James,
Dir., Purchasing
Mr. Donald Kappel, Dir.,
Public Affairs
Mr. Louis Lassiter, Dir.,
Internal Audit
Mr. R. John McCracken,
Dir., Transportation
Mr. Richard M. McElfish,
Dir., Env. Engineering
Mr. Steven L. Micas,
County Attorney
Mr. F. O. Parks, Dir.,
Information Systems Tech.
Mr. Francis Pitaro, Dir.,
General Services

Mr. James J. L. Stegmaier,
Deputy Co. Admin.,
Management Services
Mr. M. D. Stith, Jr.,
Deputy Co. Admin.,
Community Development
Mr. Thomas Taylor, Dir.,
Block Grant Office
Mr. B. R. Wilkinson,
License Inspector
Mr. Bill Wright, Asst.
Dir., Utilities
Mr. Scott Zaremba, Asst.
Dir., Human Resource
Management

Mr. Miller called the regularly scheduled meeting to order at 3:35 p.m.

1. APPROVAL OF MINUTES FOR FEBRUARY 25, 2004

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved the minutes of February 25, 2004, as submitted.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

2. COUNTY ADMINISTRATOR'S COMMENTS

O LEGISLATIVE UPDATE

Ms. Curtin provided an update on 2004 General Assembly actions. She first reviewed the status of the county's legislative requests, stating that the proposals for Supplemental Health Department salaries, allowing localities to pay for background checks, appropriating funds to certain non-profits, as well as the Charter change on the sewer assessment districts were all approved by both the House and Senate easily and with virtually no opposition. She further stated, although there was some opposition, the request regarding CSA financial responsibility was also approved by both the House and Senate. She stated Senate Bill 123 regarding road impact fees was carried over. She further stated that, although House Bill 1429 which would strengthen the state's erosion and sediment control ordinance was carried over, serious discussions evolved with the Virginia Department of Transportation and others regarding the proposal. She then reviewed other legislative requests that the county was actively involved in. She stated House Bill 741 regarding the transient occupancy tax for the Richmond Region was approved and is awaiting the Governor's signature.

Discussion ensued relative to the difference between House Bill 741 and Senate Bill 367 regarding the transient occupancy tax.

Mrs. Humphrey stated she had requested that localities be allowed to use their enterprise zone authority to provide relief for hotels/motels in parts of the county found to derive lower occupancy benefits from the Convention Center, and inquired whether this initiative was approved.

Ms. Curtin stated the deadline for submitting legislation had passed when the Board made this request. She noted the statewide hotel/tourist association indicated they would strongly object to an exemption for hotels/motels in enterprise zones. She continued to review other legislative requests that the county was actively involved in, stating that the storm water management proposal was approved and the proposal for the Line of Duty Act was carried over. She then reviewed the status of various legislative requests relative to land use. She stated House Bill 417 regarding ready access to cash proffer reports was approved and noted that the statewide Homebuilders Association expressed concerns relative to localities who do not spend their cash proffer funds in a timely enough manner, indicating that legislation may be brought forward next year regarding timely expenditure of cash proffers. She stated the conferees have missed their first deadline for presenting the final state budget; therefore, the final outcome is not known at this time.

Mr. Barber expressed concerns that the state's contribution towards the Sheriff's budget has decreased from 60 percent to approximately 35 percent, and the county must make up the difference. He requested that Ms. Curtin and Ms. Dickson prepare a report for the Board indicating the amount of state support received by the Sheriff, Schools and Constitutional Officers over the past five to ten years.

Ms. Curtin stated she and Ms. Dickson will provide this information for the Board.

Mr. Barber then requested a summary of how the county's legislative delegation acted on various requests that would benefit the county.

In response to Mr. Ramsey's question, Ms. Curtin stated both Henrico and Chesterfield's road impact fee requests were referred to the Growth Commission, noting that if the Growth Commission did not survive the final budget reductions, the legislative requests would be referred to the Senate Local Government Committee.

3. BOARD COMMITTEE REPORTS

There were no Board committee reports at this time.

4. REQUESTS TO POSTPONE ACTION, ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION

On motion of Mr. King, seconded by Mrs. Humphrey, the Board added Item 8.B.3.c., Set Date for Public Hearing to Consider a Fourth Amendment to the FBO Services and Lease Agreement with Dominion Aviation Services, Incorporated and a Second Amendment to the Airport Ground Lease; replaced Item 16.E., Public Hearing to Consider Approval of a Ground Lease in Connection with Certificates of Participation Financing for Various Capital Improvement Projects, and Adoption of a Resolution to Authorize Entering into a Ground Lease and Other Actions Related to Certificates of Participation Financing for Various Capital Improvement Projects, and the Appropriation of Funds in Anticipated Proceeds for the Chester House Rehabilitative Project and Hangar Space at the

Chesterfield County Airport; and adopted the Agenda, as amended.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

5. RESOLUTIONS AND SPECIAL RECOGNITIONS

5.A. RECOGNIZING MAJOR STEPHEN E. DAVIS, POLICE DEPARTMENT, UPON HIS RETIREMENT

Colonel Baker introduced Major Stephen Davis who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Major Stephen E. Davis retired from the Chesterfield County Police Department on February 1, 2004, after providing 29 years of quality service to the citizens of Chesterfield County; and

WHEREAS, Major Davis has faithfully served the county in the capacity of Patrol Officer, Investigator, Crime Prevention Technician, Sergeant, Lieutenant, Captain, Inspector, and Major; and

WHEREAS, Major Davis is a 1997 graduate of Chesterfield County's TQI University; and

WHEREAS, Major Davis received the Police Combat Ribbon for heroism involving an incident in June 1977 after he responded to a call where an individual was firing shots at a train, and subsequently shot at responding police officers; and

WHEREAS, Major Davis was awarded the Life Saving Award in 1978 for his actions after a vehicle caught fire and the driver became disoriented and could not get out of the vehicle; Officer Davis pulled the driver from the car to safety, before the car was engulfed in flames and his actions saved the driver from serious injury or death; and

WHEREAS, Major Davis served as co-project manager for the state of the art Small Arms Firing Range and was responsible for the outstanding relationship between the Chesterfield County Police Department and surrounding property owners; and

WHEREAS, Major Davis served as co-project manager for Public Safety Communications System - Phase I (800 MH trunked system), where his years of service in the Police Department and his keen awareness of public safety needs of the 21st century were outstanding contributions to the project; and

WHEREAS, Major Davis served as Project Manager for the Public Safety Emergency Communications System - Phase II, and performed admirably in this capacity; and

WHEREAS, Major Davis implemented an innovative program, the *Public Safety Interagency Emergency Communications: Regional Cooperation*, that won a 2002 NACo Achievement Award; and

WHEREAS, Major Davis has received numerous letters of thanks and appreciation for service rendered from the citizens of Chesterfield County; and

WHEREAS, Major Davis has provided the Chesterfield County Police Department with many years of loyal and dedicated service; and

WHEREAS, Chesterfield County and the Board of Supervisors will miss Major Davis' diligent service.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 10th day of March 2004, publicly recognizes Major Stephen E. Davis, and extends on behalf of its members and the citizens of Chesterfield County, appreciation for his service to the county, congratulations upon his retirement, and best wishes for a long and happy retirement.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Major Davis, and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. Miller presented the executed resolution and a Jefferson Cup to Major Davis, accompanied by Colonel Baker, and expressed appreciation for his dedicated service.

Major Davis expressed appreciation to numerous individuals who provided significant support to him during his 29 years of service.

5.B. RECOGNIZING MARCH 28, 2004 - APRIL 3, 2004, AS "BOYS AND GIRLS CLUB WEEK" IN CHESTERFIELD COUNTY

Ms. Carter introduced Ms. Mary McRoberts, Executive Director of the Boys and Girls Club, Falling Creek Club "Youth of the Year" Alleese Gooden, and Matoaca Club "Youth of the Year" Kellie Quash who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the young people of Chesterfield County are tomorrow's leaders; and

WHEREAS, many such young people need professional youth services to help them cope with a wide range of social and financial hardships; and

WHEREAS, there are two Boys and Girls Clubs in Chesterfield County - at Falling Creek Middle School and Matoaca Middle School - providing services to 1,000 young people annually; and

WHEREAS, the Boys and Girls Clubs are at the forefront of efforts in substance abuse prevention, delinquency prevention, and academic enhancement programs; and

WHEREAS, the Boys and Girls Clubs in our county help ensure that our young people stay off the streets, offering them a safe and supportive place to go and providing them with quality programs in leadership and character development; and

WHEREAS, the Boys and Girls Clubs of Chesterfield County will celebrate National Boys and Girls Club Week, 2004 along with some 3,300 Boys and Girls Club organizations and more than three million young people nationwide.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 10th day of March 2004, publicly recognizes March 28, 2004 through April 3, 2004, as "Boys and Girls Club Week" and commends the Boys and Girls Clubs of Chesterfield County for providing comprehensive, effective services to the young people in our community.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. Miller and Mrs. Humphrey presented the executed resolutions to Miss Gooden and Miss Quash, accompanied by Ms. McRoberts, Ms. Carter and Colonel Baker, and expressed appreciation for the accomplishments made by both of the county's clubs.

5.C. RECOGNIZING MS. MARSHA LITTON FOR HER CONTRIBUTIONS TO THE CHESTERFIELD COUNTY PARKS AND RECREATION ADVISORY COMMISSION

Mr. Golden introduced Ms. Marsha Litton who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Chesterfield County Parks and Recreation Advisory Commission was established in 1993 by the Board of Supervisors for the purpose of assessing the recreation needs of the county, advising the Board of Supervisors and county staff, and making specific recommendations on the most equitable use of facilities; and

WHEREAS, Ms. Marsha Litton was appointed as a member of the Commission representing the School Board, and since that time has served the citizens of Chesterfield with distinction; and

WHEREAS, Ms. Litton served as Chair of the Future Visions Committee from 2000 through 2003 and regularly resolved issues and brought forth policy recommendations later adopted by the Commission; and

WHEREAS, the Commission provided guidance and direction on development of ball field maintenance standards and capital improvements for new facilities, including design of the restroom/concession building at Chalkley Elementary Athletic Complex; and

WHEREAS, the Commission set schedules for sports season dates and recommended assignments of facilities to co-sponsored leagues; and

WHEREAS, Ms. Litton and the Commission sought public input and guided passage of the Parks and Recreation Master Plan for acquisition and development of new parks and recreation facilities throughout the county; and

WHEREAS, Ms. Litton represented the youth of the county's school population and brought her own expertise and training in the Parks and Recreation field to the decision making process; and

WHEREAS, the Commission developed and has created a Recreational Volunteers recognition program, with the first awards ceremonies to be in Spring 2004; and

WHEREAS, Ms. Litton has contributed greatly to the Chesterfield community.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 10th day of March 2004, publicly recognizes Ms. Marsha Litton, and commends her for her dedicated and outstanding service to the Parks and Recreation Advisory Commission and to the citizens of Chesterfield County.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. Miller presented the executed resolution to Ms. Litton, accompanied by her mother and Mr. Golden, and expressed appreciation for her exemplary service on the Parks and Recreation Advisory Commission.

Ms. Litton expressed appreciation to both the Board of Supervisors and the School Board for their support.

6. WORK SESSION

O COUNTY ADMINISTRATOR'S FY2005/2006 BIENNIAL FINANCIAL PLAN INCLUDING A REVIEW OF THE COUNTY ADMINISTRATOR'S PROPOSED FY2005/2006 EXPENDITURE BUDGET, AND A PRESENTATION FROM MANAGEMENT SERVICES

Ms. Dickson presented an overview of the proposed biennial financial plan for FY2005 and FY2006. She first reviewed percentage increase in the demand for services from FY1991-FY2003. She noted that the tax rates for FY2005 are all proposed to remain constant. She stated primary considerations in preparing the FY2005 budget included funding the balance of the operating costs of new facilities from the 1996 Bond Referendum; assuming no restoration of state funding cuts; placing priority in the areas of education, public safety and human services; and providing for a 2.5 percent merit increase, covering approximately 78 percent of the healthcare rate increase, and covering a 42.5 percent increase in retirement costs for employees for retention/recruitment. She further stated the proposed FY2005 budget totals \$883,886,800, representing an 8.8 percent increase over the FY2004 adopted budget. She noted 51.7 percent of the proposed total budget is for schools. She reviewed General Fund FY2005 projected revenues versus FY2004 adopted revenues and FY2005 estimated expenditures versus FY2004 adopted expenditures. She provided details of various budget initiatives that support each of the county's eight strategic goals. She reviewed FY2005 General Fund sources and uses as well as FY2005 balancing initiatives. She provided details of new positions requested for FY2005 and reviewed FY2006 challenges. She stated increases are

proposed for administrative fees for the collection of delinquent taxes in the Treasurer's Office; residential and commercial inspection fees in Building Inspection; and various fees in Waste and Resource Recovery. She noted staff is preparing additional options to package the proposed increases in Waste and Resource Recovery while utilizing existing resources to address litter issues in various areas of the county. She then introduced Mr. Stegmaier to present the proposed FY2005 budget for Management Services.

Mr. Stegmaier stated the proposed FY2005 Management Services budget totals \$79,817,800 and noted a significant amount of the increase from FY2005 is funded by revenue generated by the programs within the division. He further stated the proposed fee increases in Waste and Resource Recovery will result in a "pay as you throw" concept with the citizens who take advantage of the services, such as leaf collection, paying for the cost of receiving those services. He stated there is a significant increase in the Registrar's budget to purchase a new type of voting machine. He further stated increases in the Sheriff's budget are a result of an increased number of prisoners being housed at Riverside Regional Jail and the costs of opening the replacement jail facility. He noted many of the services provided by the county are moving to a web based delivery to the citizens. He stated there is a decrease in Risk Management's budget primarily due to allocation of retained earnings from Risk Management to cover the local share of the cost for debris cleanup from Hurricane Isabel. He further stated the additional positions requested in the Commissioner of the Revenue's Office will generate significantly more revenue than the cost of the positions. He stated the increase in Communications Maintenance is a result of additional positions necessary to maintain the new public safety communication system. He reviewed success stories to support the county's goal of being an exemplary steward of the public trust, in the areas of ratio of employees supported per Management Services employee; square feet to worker ratio; tax collection rate; diversity of contractors and vendors; cost avoidance totals in Purchasing; FY2003 savings per audit dollar; regional comparison of assessment and fiscal integrity; number of parcels handled per appraiser; and the number of hours saved in Accounting. He then reviewed success stories to support the county's goal of providing world-class customer service, in the areas of expenditures versus revenue comparison in License Inspection; Airport security upgrade and terminal opening; the remediation project at Henricus Park; and the customer service rating for Management Services. He reviewed strategic accomplishments to support the county's goal of being the employer of choice and provided details of the extremely high performance rating of Management Services in the 2002 Organizational Climate Assessment.

Mr. Miller thanked Mr. Stegmaier for the informative presentation.

7. DEFERRED ITEMS

There were no deferred items at this time.

8. NEW BUSINESS

8.A. APPOINTMENTS

On motion of Mr. Warren, seconded by Mr. Barber, the Board suspended its rules at this time to allow for simultaneous nomination/appointment/reappointment of members to serve on the Airport Advisory Board and Committee on the Future.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.A.1. AIRPORT ADVISORY BOARD

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board simultaneously nominated/reappointed Mr. Francis M. Pitaro to serve as an Ex Officio member of the Airport Advisory Board, whose term is effective immediately and expires February 14, 2008.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.A.2. COMMITTEE ON THE FUTURE

On motion of Mr. King, seconded by Mr. Warren, the Board simultaneously nominated/appointed Mrs. Sarah Eastwood, representing the Bermuda District, to serve on the Committee on the Future, whose term is effective immediately and will be at the pleasure of the Board.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B. CONSENT ITEMS

8.B.2. AUTHORIZE THE RECEIPT AND APPROPRIATION OF FUNDS FROM THE PHILIP MORRIS EMPLOYEE COMMUNITY FUND FOR THE PURCHASE OF ONE NEW UPDATED DEFIBRILLATOR

On motion of Mr. Warren, seconded by Mr. Barber, the Board authorized the Fire and Emergency Medical Services Department to receive \$23,250 in funds from the Philip Morris Employee Community Fund to purchase a new updated defibrillator.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.3. SET DATES FOR PUBLIC HEARINGS

8.B.3.a. TO CONSIDER AMENDMENTS TO THE ZONING ORDINANCE TO ALLOW SINGLE-FAMILY RESIDENCES AS USES PERMITTED WITH CERTAIN RESTRICTIONS WITHIN THE ETTRICK VILLAGE CORE AND MATOACA VILLAGE CORE VILLAGE COMMERCIAL AREAS

On motion of Mr. Warren, seconded by Mr. Barber, the Board set the date of April 14, 2004 at 7:00 p.m. for a public hearing to consider adoption of a Zoning Ordinance amendment

to allow single-family residences as uses permitted with certain restrictions within the Ettrick Village Core and Matoaca Village Core village commercial areas.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.3.b. TO CONSIDER THE APPROPRIATION OF REFUND RECEIVED FROM THE RIVERSIDE REGIONAL JAIL AUTHORITY

On motion of Mr. Warren, seconded by Mr. Barber, the Board set the date of March 24, 2004 at 7:00 p.m. for a public hearing to consider the appropriation of the \$1,203,776.11 per diem refund received from the Riverside Regional Jail Authority, which will be used to offset the expected shortfall in the regional jail budget.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.4. REQUEST TO QUITCLAIM A PORTION OF A SIXTEEN-FOOT WATER EASEMENT ACROSS THE PROPERTY OF HARBOURSIDE CENTRE, LLC

On motion of Mr. Warren, seconded by Mr. Barber, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a portion of a 16-foot water easement across the property of Harbourside Centre, LLC. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.5. REQUEST FOR PERMISSION FROM RICHARD W. AND AMY H. SPERBER FOR A PRIVACY FENCE TO ENCROACH WITHIN A TEN-FOOT EASEMENT ACROSS LOT 27, ASHLEY FOREST, SECTION C

On motion of Mr. Warren, seconded by Mr. Barber, the Board approved a request from Richard W. and Amy H. Sperber for permission for a privacy fence to encroach within a ten-foot easement across Lot 27, Ashley Forest, Section C. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.6. ACCEPTANCE OF PARCELS OF LAND

8.B.6.a. ALONG THE EAST RIGHT OF WAY LINE OF OTTERDALE ROAD FROM STEPHEN R. HAYES AND ALBERTINE M. HAYES

On motion of Mr. Warren, seconded by Mr. Barber, the Board accepted the conveyance of two parcels of land containing a total of 0.126 acres along the east right of way line of Otterdale Road (State Route 667) from Stephen R. Hayes and Albertine M. Hayes, and authorized the County Administrator

to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.6.b. FROM CHESTERFIELD ALTERNATIVES, INCORPORATED

On motion of Mr. Warren, seconded by Mr. Barber, the Board accepted the conveyance of two parcels of land containing a total of 5.1 acres from Chesterfield Alternatives, Incorporated, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.7. AWARD OF CONTRACT TO NORESKO FOR ENERGY AUDIT SERVICES IN SPECIFIED COUNTY AND SCHOOL FACILITIES

On motion of Mr. Warren, seconded by Mr. Barber, the Board authorized the County Administrator to execute a contract with NORESKO in the amount of \$110,000 for the completion of energy audits on county and school buildings.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.8. CONVEYANCE OF AN EASEMENT TO COLUMBIA GAS OF VIRGINIA, INCORPORATED FOR THE MENTAL HEALTH BUILDING PROJECT

On motion of Mr. Warren, seconded by Mr. Barber, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute an easement agreement with Columbia Gas of Virginia, Incorporated for the Mental Health Building Project. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.9. ADOPTION OF RESOLUTION RECOGNIZING MR. DAVID W. ZUCK, UTILITIES DEPARTMENT, UPON HIS RETIREMENT

On motion of Mr. Warren, seconded by Mr. Barber, the Board adopted the following resolution:

WHEREAS, Mr. David W. Zuck began his career with Chesterfield County as a Water Plant Operator Trainee in the Utilities Department on March 15, 1972, and through hard work and dedication, progressed from this position to his current position as Principal Plant Operator; and

WHEREAS, Chesterfield County has been extremely fortunate that Mr. Zuck has devoted thirty-two years of outstanding service to the citizens of Chesterfield County; and

WHEREAS, through his significant knowledge and expertise as a drinking water professional and as a member of the operations team at the Addison-Evans Water Facility, Mr. Zuck has continually provided the highest quality drinking water to utility customers in Chesterfield County, and through his efforts contributed to the facility's exemplary compliance record with drinking water standards; and

WHEREAS, Mr. Zuck, a gifted and talented artist, has demonstrated his generosity, caring attitude, and support of Chesterfield County government by freely sharing his paintings for display in various county offices; and

WHEREAS, Mr. Zuck has been a loyal, supportive and well-liked colleague who will be missed by his co-workers.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes Mr. David W. Zuck for his outstanding contributions, expresses the appreciation of all residents for his service to the county, and extends appreciation for his dedicated service, congratulations upon his retirement, and best wishes for a long and happy retirement.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.10. TRANSFER OF DISTRICT IMPROVEMENT FUNDS

8.B.10.a. FROM THE DALE DISTRICT IMPROVEMENT FUND TO THE CHESTERFIELD COUNTY SCHOOL BOARD TO PURCHASE A PITCHING MACHINE AND PORTABLE SPORTS CAGE FOR MEADOWBROOK HIGH SCHOOL

On motion of Mr. Warren, seconded by Mr. Barber, the Board transferred \$2,800 from the Dale District Improvement Fund to the Chesterfield County School Board to purchase a pitching machine and portable sports cage for Meadowbrook High School.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.10.b. FROM THE MIDLOTHIAN DISTRICT IMPROVEMENT FUND TO THE PARKS AND RECREATION DEPARTMENT TO CONSTRUCT A WALKWAY FROM THE PEDESTRIAN TUNNEL UNDER WOOLRIDGE ROAD TO THE MID-LOTHIAN COAL MINES PARK MAIN TRAIL

On motion of Mr. Warren, seconded by Mr. Barber, the Board transferred \$20,000 from the Midlothian District Improvement Fund to the Parks and Recreation Department to construct a walkway from the pedestrian tunnel under Woolridge Road to the Mid-Lothian Coal Mines Park main trail.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.10.c. FROM THE MATOACA DISTRICT IMPROVEMENT FUND TO THE PARKS AND RECREATION DEPARTMENT TO PURCHASE A SCOREBOARD CONTROL PANEL AND STORAGE CASE FOR BAILEY BRIDGE MIDDLE SCHOOL

On motion of Mr. Warren, seconded by Mr. Barber, the Board transferred \$656 from the Matoaca District Improvement Fund to the Parks and Recreation Department to purchase a scoreboard control panel and storage case for Bailey Bridge Middle School.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

The following items were removed from the Consent Agenda for Board discussion:

8.B.3.c. TO CONSIDER A FOURTH AMENDMENT TO THE FBO SERVICES AND LEASE AGREEMENT WITH DOMINION AVIATION SERVICES, INCORPORATED AND A SECOND AMENDMENT TO THE AIRPORT GROUND LEASE

Mr. King stated he owns Kings Korner Enterprises, Incorporated, which leases space from Dominion Aviation Services, Incorporated and operates the Kings Korner Restaurant and catering business at the Airport. He further stated that, since his business lease is dependent upon the county's FBO lease with Dominion Aviation and the lease is the subject of this agenda item, he is declaring a conflict of interest under the Virginia Conflict of Interest Act regarding this request, and excused himself from the meeting.

On motion of Mr. Warren, seconded by Mr. Barber, the Board set the date of March 24, 2004 at 7:00 p.m. for a public hearing to consider a Fourth Amendment to the existing FBO Services and Lease Agreement with Dominion Aviation Services, Incorporated and a Second Amendment to the Airport Ground Lease.

Ayes: Miller, Barber, Humphrey and Warren.

Nays: None.

Absent: King.

Mr. King returned to the meeting.

8.B.1. CONSIDERATION OF THE CONVERSION OF THE PRIVATE WASTEWATER PUMP STATION SERVING COURTHOUSE COMMONS COMMERCIAL COMPLEX INTO A PUBLIC STATION WHICH WILL ALSO SERVE THE COGBILL PROPERTY; AND APPROVAL OF WASTEWATER PUMP STATION AGREEMENT WITH G. H. COGBILL COMPANY AND COURTHOUSE COMMONS ASSOCIATION

Mrs. Humphrey expressed concerns that all of the zoning in the vicinity of the wastewater pump station has not yet been completed.

Mr. Bill Wright, Assistant Director of Utilities, came forward to answer questions from Board members.

Questions and comments ensued relative to the location, capacity and ownership of the private pump station.

Mr. Ramsey clarified that the action being requested of the Board is to approve and authorize the signing of the pump station agreement if the developer of the Cogbill property brings it forward.

Mr. Wright stated the private pump station would serve the Courthouse Commons commercial complex as well as the Cogbill property.

Mrs. Humphrey expressed concerns that the pump station will not serve the Deerfield community.

Mr. Wright stated the Utilities Department believes upgrading the facility to a public pump station would provide for county maintenance of a facility that will serve multiple future homeowners. He further stated the only cost to the county will be maintenance of the facility, indicating that it will serve a public need.

Mrs. Humphrey expressed concerns that the agreement will provide a public pump station that will serve only one piece of property. She stated the Deerfield community as well as homeowners on Beach Road are very much interested in the availability of public utilities as the Cogbill property is developed.

Mr. Ramsey stated the private pump station has existed since Courthouse Commons was developed years ago. He further stated the owners of the facility have attempted to convince the Utilities Department for a number of years to take it as a public facility. He stated staff has concerns about the long-term viability of private pump stations and believes public sewer is better served under one entity. He stated the agreement will not only address staff's concerns, but will also allow the developer of the Cogbill property to use the pump station if they chose to develop.

Mrs. Humphrey stated she would be more receptive to the proposal if she was assured that not just one property owner would benefit from the facility.

Mr. Ramsey stated, if improvements to the facility are necessary, the developer of the Cogbill property would be responsible. He further stated the county would merely assume the future maintenance of the pump station with approval of the agreement.

Mr. Warren excused himself from the meeting.

In response to Mr. Barber's questions, Mr. Wright stated the residents of Deerfield Estates are currently served by a wastewater pump station within the development. He further stated homes along Beach Road are the only ones in the area that are not on sewer, and there are no specific plans for providing sewer to that area. He stated there have been many requests all along Route 10 to connect to public sewer, and the developer of the Cogbill property has found an option to utilize the existing capacity in an existing pump station for the development of the property. He further stated downstream capacities could not handle adding additional homeowners to be served by the pump station.

Mr. Miller stated the proposal is merely transitioning the facility from private to public to serve those that can be served, and the only disadvantage is the cost of maintenance as a public facility.

Mr. Miller then made a motion, seconded by Mr. King, for the Board to approve the conversion of the private wastewater pump station serving Courthouse Commons Commercial Complex into a public station which will also serve the Cogbill property; approved the Wastewater Pump Station Agreement; and authorize the County Administrator to execute any necessary documents. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey and King.

Nays: None.

Absent: Warren.

9. HEARINGS OF CITIZENS ON UNSCHEDULED MATTERS OR CLAIMS

10. REPORTS

10.A. REPORT ON DEVELOPER WATER AND SEWER CONTRACTS

10.B. REPORT ON THE STATUS OF GENERAL FUND BALANCE, RESERVE FOR FUTURE CAPITAL PROJECTS, DISTRICT IMPROVEMENT FUNDS AND LEASE PURCHASES

10.C. CHESTERFIELD COUNTY GROWTH ANALYSIS REPORT

On motion of Mrs. Humphrey, seconded by Mr. King, the Board accepted the following reports: A report on Developer Water and Sewer Contracts; a report on the status of General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases; and the Chesterfield County Growth Analysis Report.

Ayes: Miller, Barber, Humphrey and King.

Nays: None.

Absent: Warren.

11. DINNER

On motion of Mr. King, seconded by Mr. Barber, the Board recessed to the Administration Building, Room 502, for dinner.

Ayes: Miller, Barber, Humphrey and King.

Nays: None.

Absent: Warren.

Reconvening:

Mr. Warren returned to the meeting.

12. INVOCATION

Reverend David Adkins, Pastor of Saint Mark's United Methodist Church, gave the invocation.

13. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

Special Police Officer Eric Luther led the Pledge of Allegiance to the flag of the United States of America.

14. RESOLUTIONS AND SPECIAL RECOGNITIONS

O RECOGNIZING THE RICHMOND INDOOR SPORTS EXPERIENCE FOR PROVIDING OUTSTANDING RECREATIONAL OPPORTUNITIES IN CHESTERFIELD COUNTY

Mr. Hammer introduced representatives from Richmond Indoor Sports Experience who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Chesterfield County is committed to being a great place to raise a family; and

WHEREAS; one measure of a community's quality of life is the extent to which it provides athletic and recreational opportunities; and

WHEREAS, four families have founded RISE, Richmond Indoor Sports Experience, located in Chesterfield County; and

WHEREAS, RISE is a multi-million dollar facility that opened on January 29, 2004; and

WHEREAS, RISE is dedicated to being one of the best indoor sports facilities in the country, with programs that include soccer, baseball, Lacrosse, field hockey and more; and

WHEREAS, RISE offers a clean, safe, family-oriented environment; and

WHEREAS, the many programs offered by RISE provide people of all ages with opportunities for fun and fitness; and

WHEREAS, this business venture has also provided residents of Chesterfield County and the region with employment opportunities; and

WHEREAS, on behalf of all Chesterfield County residents, this Board of Supervisors welcomes Richmond Indoor Sports Experience to Chesterfield County.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 10th day of March 2004, publicly recognizes RISE, Richmond Indoor Sports Experience, congratulates the owners and operators on their opening, and extends best wishes for success in this business venture, which provides Chesterfield County and the region with outstanding opportunities for fun and fitness.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. Warren presented executed resolutions to the representatives from RISE and expressed appreciation for recreational opportunities the facility will provide to the citizens of Chesterfield County.

Mr. Joey Robinson expressed appreciation for the county's support of the facility.

Mr. King stated the residents of Rayon Park have waited patiently for a long time to receive assistance with much needed wastewater improvements. He requested the Board's consideration of holding the public hearings relative to Rayon Park at this time rather than following the zoning cases.

16.C. TO CONSIDER ACCEPTANCE AND APPROPRIATION OF GRANT FUNDS AND DONATED FUNDS FOR RAYON PARK WASTEWATER IMPROVEMENTS PROJECT

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider acceptance and appropriation of grant funds and donated funds for the Rayon Park Wastewater Improvements Project.

Mr. Miller called for public comment.

Mr. Lonnie McCoy expressed appreciation for the county's support of the wastewater improvements for Rayon Park.

There being no one else to speak to the issue, the public hearing was closed.

On motion of Mr. King, seconded by Mr. Warren, the Board authorized the Utilities Department to accept and appropriate two state/tribal assistance grant awards in an amount up to \$843,000 and to accept and appropriate a donation in the amount of \$135,000 from the Rayon Park Homeowner's Association.

And, further, the Board authorized the Utilities Department to use \$292,000 from the Community Development Block Grant contingency fund for the Rayon Park wastewater project, and authorized the County Administrator to execute all necessary documents.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

16.A. TO CONSIDER AMENDMENTS TO THE WATER AND SEWERS ORDINANCE RELATIVE TO CONNECTION FEES WHERE PROJECTS ARE FUNDED BY FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider amendments to the water and sewers ordinance relative to connection fees where projects are funded by the Federal Community Development Block Grant Program.

Mr. Miller called for public comment.

No one came forward to speak to the ordinance amendments.

Mr. King made a motion, seconded by Mr. Barber, for the Board to adopt amendments to the water and sewers ordinance relative to connection fees where projects are funded by the Federal Community Development Block Grant Program.

Mr. Barber stated this is an example an outstanding effort by many people - citizens who did not take "no" for an initial answer; federal colleagues who came through with funding; current and past supervisors of the Board; and Ms. Meredith Fischer of the Times-Dispatch who received an award for a series of articles on the issue.

Mr. Miller called for a vote on the motion of Mr. King, seconded by Mr. Warren, for the Board to adopt the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTION 18-22 RELATING TO
CONNECTION FEES

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 18-22 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:

Sec. 18-22. Connection fees.

o o o

(g) When the board of supervisors approves a utility extension that is funded in whole or in part by the Federal Community Development Block Grant Program, the board of supervisors may eliminate connection fees for property on which an existing residence is located and which is served by the extension for customers who apply for service within 30 days after the extension is completed.

o o o

(2) That this ordinance shall become effective immediately upon adoption.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

15. REQUESTS FOR MOBILE HOME PERMITS AND REZONING PLACED ON THE CONSENT AGENDA TO BE HEARD IN THE FOLLOWING ORDER:
- WITHDRAWALS/DEFERRALS - CASES WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION
- CASES WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION WILL BE HEARD AT SECTION 18

04SN0107

In Dale Magisterial District, JACOBS GLENN LC requests amendment to zoning (Case 00SN0266) and amendment of zoning district map to eliminate the requirement to provide an emergency access. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The

Comprehensive Plan suggests the property is appropriate for residential use of 1.0 to 2.5 units per acre. This request lies in a Residential (R-12) District on 30.0 acres fronting approximately 800 feet on the west line of Newbys Bridge Road approximately 100 feet south of Valencia Road, also lying at the eastern terminus of Jacobs Bend Drive. Tax ID 759-684-2733 (Sheet 11).

Mr. Jacobson stated the applicant has requested a deferral until May 26, 2004.

Mr. Andy Scherzer, representing the applicant, requested a deferral until May 26, 2004.

Mr. Miller called for public comment.

No one came forward to speak to the deferral.

On motion of Mr. Miller, seconded by Mr. Barber, the Board deferred Case 04SN0107 until May 26, 2004.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

03SN0307

In Matoaca Magisterial District, DOUGLAS R. SOWERS requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of up to 2.2 units per acre. This request lies on 98.7 acres fronting approximately 320 feet on the north line of Hensley Road approximately 2,600 feet west of N. Donegal Road, also fronting approximately 1,850 feet on the south line of Spring Run Road, measured from Bailey Bridge Road. Tax ID 730-663-3520 (Sheet 24).

Mr. Jacobson presented a summary of Case 03SN0307 and stated the Planning Commission and staff recommended approval subject to one condition and acceptance of the proffered conditions. He noted the request conforms to the Upper Swift Creek Plan.

Mr. Oliver "Skitch" Rudy, representing the applicant, stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board approved Case 03SN0307 subject to the following condition:

With the exception of B.1.n., the Textual Statement dated January 23, 2004, shall be considered the Master Plan. (P)

And, further, the Board accepted the following proffered conditions:

The Owners-Applicants in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended)

and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property known as Chesterfield County Tax ID 730-663-3520-00000 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-12 is granted. In the event the request is denied or approved with conditions not agreed to by the Owners-Applicants, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. (a) Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed.
- (b) To ensure the existing culvert under Spring Run Road remains adequate for the entire drainage area, the developer shall do one of the following:
 - (i) retain water onsite so the existing culvert meets current VDOT criteria for the upstream drainage area; or
 - (ii) upgrade the existing culvert to meet current VDOT criteria for the upstream area; or
 - (iii) a combination of (i) and (ii). (EE)
2. The public water and wastewater systems shall be used. (U)
3. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of each building permit for infrastructure improvements within the service district for the property:
 - A. \$9,000.00 per dwelling unit, if paid prior to July 1, 2003; or
 - B. The amount approved by the Board of Supervisors not to exceed \$9,000.00 per dwelling unit adjusted upward by any increase in the Marshall Swift building cost index between July 1, 2002, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2003.
 - C. Provided, however, that if any building permits issued on the property are for senior housing, the units of which meet the occupancy requirements for "age 55 or over" housing as set forth in Section 3607 of the Fair Housing Act, 42 USC Section 3601 et seq., as amended by the Fair Housing Amendments Act of 1988, and of 24 CFR Section 100.304 in effect as of the date of the Rezoning, and which are subject to the occupancy requirements that no person under 19 shall reside in such unit, the

amount approved by the Board of Supervisors, but not to exceed \$4,815 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2003 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2003. At the time of payment, the \$4,815 will be allocated pro-rata among the facility costs as follows: \$598 for parks and recreation, \$324 for library facilities, \$3,547 for roads, and \$346 for fire stations. Payments in excess of \$4,815 shall be prorated as set forth above.

- D. Provided further, at the option of the Transportation Department, the cash proffer payment may be reduced by the transportation component (\$3,547 as adjusted in Proffered Condition 3.A.) for improvements performed by the Developer, subdivider or assignee to Spring Run Road to provide twenty-four (24) foot wide pavement with seven (7) foot wide shoulders with modifications approved by the Transportation Department, from approximately 500 feet east of Bailey Bridge Road eastward for a distance of approximately 2,000 feet (the "Spring Run Road improvements"). The exact length and design of this improvement shall be approved by the Transportation Department. The Developer, subdivider or assignee payment shall be reduced by the transportation component for the Spring Run Road improvements for: 1) the initial seventy-seven (77) dwelling units, if the roadway is widened with an asphalt overlay; or 2) an equivalent number of units for the construction cost, as determined by the Transportation Department, if the roadway is realigned and reconstructed. The Spring Run Road improvements shall be completed as determined by the Transportation Department prior to the recordation of more than a cumulative total of fifty (50) dwelling units or one (1) year from the date of recordation of the initial subdivision plat, whichever occurs first.

Prior to issuance of building permits for those dwelling units in excess of those dwelling units credited above, or if the Developer, subdivider or assignee does not construct the improvements described above as determined by the Transportation Department, the Developer, subdivider or assignee shall commence paying cash proffers in accordance with Proffered Conditions 3.A., B. and C., herein.

- E. If any of the Cash proffers are not expended for the purpose designated by the Capital Improvements Program within fifteen (15) years from the date of payment, they shall be returned in full to the payor. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the

County. (B&M and T)

4. Density. The total number of residential units shall not exceed 2.2 units per acre. (P)
5. Transportation.
 - (a) In conjunction with recordation of the initial subdivision plat, forty-five (45) feet of right-of-way along the south side of Spring Run Road, measured from the revised centerline based on VDOT Urban Minor Arterial Standards (50 mph) with modifications approved by the Transportation Department, of that part of Spring Run Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.
 - (b) To provide an adequate roadway system, the developer shall be responsible for the following improvements:
 - (i) Construction of additional pavement along North Hensley Road at the approved accesses to provided left and right turn lanes, if warranted, based on Transportation Department standards.
 - (ii) Widening/improving the south side of Spring Run Road to an eleven (11) foot wide travel lane, measured from the centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, with modifications approved by the Transportation Department, for the entire property frontage.
 - (c) Dedication to and for the benefit of Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above.
 - (d) Prior to any construction plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition No. 5, shall be submitted to and approved by the Transportation Department.
 - (e) No direct access, except for an emergency access, shall be provided from the property to Hensley Road.
 - (f) No direct access, except for an emergency access, shall be provided from the property to Spring Run Road.
 - (g) Direct access from the property to North Hensley Road shall be limited to two (2) public roads. The exact location of these accesses shall be approved by the Transportation Department. (T)
6. Phasing. No residential building permits shall be issued until January 1, 2006. Thereafter, a

maximum of 100 residential building permits shall be issued prior to January 1, 2007, and a cumulative maximum of 200 residential building permits shall be issued prior to January 1, 2008.
(P)

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

04SN0188

In Midlothian Magisterial District, GOODE LAND DEVELOPMENT CO. requests amendment to Conditional Use Planned Development (Case 00SN0188) and amendment of zoning district map relative to uses and to limitation of size of commercial uses. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office use. This request lies in a Corporate Office (O-2) District on 0.8 acre fronting approximately 140 feet on the west line of Alverser Drive, also fronting approximately 250 feet on the north line of Old Buckingham Road and located in the northwest quadrant of the intersections of these roads. Tax ID 739-710-2628 (Sheet 6).

Mr. Jacobson presented a summary of Case 04SN0188 and stated the Planning Commission and staff recommend approval and acceptance of the proffered conditions.

Mr. Read Goode, Jr., representing the applicant, stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. Barber, seconded by Mr. King, the Board approved Case 04SN0188 and accepted the following proffered conditions:

1. Permitted uses shall include those uses permitted by right or with restrictions in the Corporate Office (O-2) District, plus those permitted by right or with restrictions in the Convenience Business (C-1) District, except that the following uses shall not be permitted:
 - a. Convenience store.
 - b. Grocery store.
 - c. Gasoline sales.
 - d. Funeral homes or mortuaries.
 - e. Messenger or telegraph services.
 - f. Post offices, limited to federal post offices.
 - g. Telephone exchanges.
 - h. Public or private parks, playgrounds, and/or athletic fields.
 - i. Public or private utility uses.
 - j. Coin operated dry-cleaning; pressing; laundry and Laundromat; not to include dry cleaning plants.
 - k. Nursery schools and child or adult daycare centers and kindergartens.
 - l. Motor vehicle accessory store.

- m. Intercoms as an accessory to a permitted use.
- n. Libraries.
- o. Propagation and cultivation of crops, flowers, trees and shrubs which are not offered for sale.
- p. Public and private forests, wildlife preserves and conservation areas.
- q. Fire Stations.
- r. Golf courses; and
- s. Hospitals.

In addition, the following Neighborhood Business (C-2) uses shall be permitted:

- a. Antique shops, not to include pawnbrokers, indoor and outdoor flea markets and secondhand and consignment stores.
- b. Art schools, galleries or museums.
- c. Artists material and supply stores.
- d. Bicycle sales and rentals.
- e. Catering establishments as an accessory to restaurant only.
- f. Clothing stores.
- g. Communication studios, offices, and stations, exclusive of towers.
- h. Curio or gift shops.
- i. Eyewear sales and service.
- j. Furniture stores.
- k. Hobby stores.
- l. Locksmith operations.
- m. Medical facilities or clinics.
- n. Musical instrument stores.
- o. Office supply stores.
- p. Paint and wallpaper stores.
- q. Radio, television and other home entertainment, sales and services.
- r. Sporting goods sales.
- s. Retail wine and cheese sales.
- t. Restaurants, to include carry-out and non-traditional fast food restaurants, subject to the following provisions:
 - (i) any carry-out or fast food restaurant shall have a minimum 35% of the gross square feet devoted to indoor patron seating not to exceed 1500 gross square feet;
 - (ii) any restaurant shall have a maximum of 1500 gross square feet devoted to indoor patron seating;
 - (iii) there shall be no drive-in window or curbside service;
 - (iv) consumption of foods or beverages within a motor vehicle parked upon the premises or at other facilities on the premises outside the building, except as stated herein, shall be prohibited and such prohibition shall be strictly enforced by the restaurant. This shall not preclude the restaurant from having outdoor seating provided the outdoor seating area is located directly adjacent to the restaurant; accessed through the restaurant only and not directly from outside and an area has been designed and constructed to specifically accommodate such seating.

- (v) any carry-out or fast food restaurant shall not be freestanding;
- (vi) the restaurant shall not be open to the public between the hours of 11:00 p.m. and 6:30 a.m. (P)

(Note: This Proffered Condition supercedes Proffered Condition 8 of Case 00SN0188 for the subject property only. All other proffered conditions of Case 00SN0188 remain applicable.)

- 2. The total area of commercial uses, as permitted by Proffered Condition 1, shall not exceed 27,000 gross square feet, and no building shall exceed 15,000 gross square feet. (P)

(Note: This Proffered Condition supercedes Proffered Condition 9 of Case 00SN0188 for the subject property only. All other proffered conditions of Case 00SN0188 remain applicable.)

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

04SN0197

In Bermuda Magisterial District, RIVER'S BEND EAST, LLC requests rezoning and amendment of zoning district map from Agricultural (A) and General Industrial (I-2) to Residential (R-12) with Conditional Use Planned Development to permit recreation and limited commercial uses. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for light industrial and residential use of 1.5 units per acre or less. This request lies on 347.8 acres fronting approximately 7,700 feet on the south line of James River, also fronting approximately 1,700 feet on the north line of Meadowville Road at North Enon Church Road. Tax IDs 822-661-Part of 2045; 825-660-9979; 825-661-6811; 826-661-8420 and 827-662-2285 (Sheets 27 and 28).

Mr. Jacobson presented a summary of Case 04SN0197 and stated the Planning Commission and staff recommend approval and acceptance of the proffered conditions. He noted the request conforms to the Consolidated Eastern Area Plan.

Mr. Oliver "Skitch" Rudy, representing the applicant, stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mr. Warren, the Board approved Case 04SN0197 and accepted the following proffered conditions:

The Owners-Applicants in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the properties known as Chesterfield County Tax ID Numbers 822-661-2045-00000, 825-661-6811-00000, 826-

661-8420-00000 and 825-660-9979-00000 and 827-662-2285-00000(the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning requests for R-12 with Conditional Use Plan Development as set forth in the above heading and the application filed herein is granted. In the event the request is denied or approved with conditions not agreed to by the Owners-Applicants, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
2. The public water and wastewater systems shall be used. (U)
3. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of each building permit for infrastructure improvements within the service district for the property.
 - A. The amount approved by the Board of Supervisors not to exceed \$9000.00 per dwelling unit adjusted upward by any increase in the Marshall Swift Building cost index between July 1, 2003, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2003.
 - B. Provided however that if any building permits issued on the property are for senior housing, the units of which meet the occupancy requirements for age "55 or over" housing as set forth in Section 3607 of the Fair Housing Act, 42 USC Section 3601 et seq., as amended by the Fair Housing Amendments Act of 1988, and of 24 CFR Section 100.304 in effect as of the date of the Rezoning, and which are subject to the occupancy requirements that no person under 19 shall reside in such unit, the amount approved by the Board of Supervisors, but not to exceed \$4,815 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Costs Index between July 1, 2003, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2003. At the time of payment, the \$4,815 will be allocated pro-rata among the facility costs as follows: \$598 for parks and recreation, \$325 for library facilities; \$3547 for roads, and \$346 for fire stations. Payments in excess of \$4815 shall be prorated as set forth above.
 - C. Provided further, the cash proffer payment for the initial 130 units shall be reduced by the transportation component (\$3,547 as adjusted in Proffered Condition 3.A.) for the improvements described in Proffered Condition 8.c.i. and performed by the Developer,

subdivider or assignee. After 130 units or if the Developer, subdivider or assignee does not construct the improvements described in Proffered Condition 8.c.i. as determined by the Transportation Department, the Developer, subdivider or assignee shall commence paying cash proffers in accordance with Proffered Conditions 3.A. and B.

- D. If any of the Cash proffers are not expended for the purpose designated by the Improvements Program within fifteen (15) years from the date of payment, they shall be returned in full to the payor. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B&M,T)

4. Residential (R-25)

All lots in Tract 2 as shown on Exhibit "A" shall have a minimum lot area of 25,000 square feet. (P)

5. Residential (R-15)

All lots in Tract 1 as shown on Exhibit "A" shall have a minimum lot area of 15,000 square feet. (P)

6. Density. The total number of single family residential units allowed on the Property shall not exceed 400 units. (P)

7. Recreation/Commercial Areas. At the election of the developer, active and passive recreation areas may be provided. These areas shall be limited to a maximum cumulative total of twenty-five (25) acres.

(A) Within the area designated as proposed recreation site and future river features on Exhibit "A", the Applicant may provide marina facilities, including a restaurant, ramps, boat storage, convenience sales, not limited to the sale of gasoline and other products relating to marine activity. Such development shall conform to Emerging Growth District Standards for C-2 Districts.

(B) Within the area designated proposed clubhouse site the following uses shall be permitted:

(1) Indoor and outdoor recreational uses subject to the following:

a) a fifty (50) foot buffer shall be provided along the perimeter of all active recreational facilities, except where adjacent to any existing or proposed road or waterfront.

b) Outdoor playfields, courts, swimming pools and similar active recreational areas shall be set back

a minimum of 100 feet from any proposed or existing single family residential lot line and a minimum of fifty (50) feet from any existing or proposed public road. Nothing herein shall prevent the development of any indoor facilities and/or parking within the 100 foot setback.

(2) Restaurant. Such development shall confirm to Emerging Growth District Standards for C-2 Districts.

(C) Indoor and outdoor recreational uses are permitted within all tracts subject to the restrictions outlined in (b) (1). (P)

8. To provide an adequate roadway system, the developer shall be responsible for the following improvements:

(a) Widening/improving on the north side of Meadowville Road west of North Enon Church Road to provide an eleven (11) foot wide travel lane, measured from the centerline of the road, with an additional one (1) foot wide paved shoulder and a seven (7) foot wide unpaved shoulder, with modifications approved by the Transportation Department, for the entire property frontage.

(b) Construction of additional pavement along Meadowville Road west of North Enon Church Road at each approved access to provide left and right turn lanes, if warranted, based on Transportation Department Standards.

(c) (i) Construction of a new relocated Meadowville Road, to include a twenty-four (24) foot wide pavement section and six (6) foot wide shoulders with modifications approved by the Transportation Department, from approximately 3,500 feet east of I-295 to the southern boundary of the property (a distance of approximately 2,000 feet). The exact length and alignment of these improvements shall be approved by the Transportation Department.

OR

(ii) Reconstruction of existing Meadowville Road to provide two (2) eleven (11) foot wide travel lanes with additional one (1) foot wide paved shoulders and five (5) foot wide unpaved shoulders, with modifications approved by the Transportation Department, from approximately 0.8 mile east of I-295 to the southern boundary of the property (a distance of approximately 1,200 feet). The exact length of this improvement shall be approved by the Transportation Department.

- (d) Dedication to and for the benefit of Chesterfield County, free and unrestricted, of any additional right-of-way (or easement) required for the improvements identified above. (T)
9. Prior to any construction plan approval, a phasing plan of the required road improvements identified in Proffered Condition 8 shall be submitted to and approved by the Transportation Department. The approved phasing plan shall require that the road improvements outlined in Proffered Condition 8.c. to be completed as determined by the Transportation Department prior to the recordation of more than a cumulative total of fifty (50) lots or one (1) year from the date of recordation of the initial subdivision plat, whichever occurs first. (T)
10. Direct access from the property to Meadowville Road west of Enon Church Road shall be limited to three (3) public roads. The exact location of these accesses shall be approved by the Transportation Department. (T)
11. In conjunction with recordation of the initial subdivision plat, thirty-five (35) feet of right-of-way along the north side of Meadowville Road west of North Enon Church Road, measured from the centerline of that part of Meadowville Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
12. A 100 foot buffer shall be provided along western boundary as shown on Exhibit A. This buffer shall be located in common open space and shall comply with the requirements of the Zoning Ordinance for 100 foot buffers, Sections 19-520, 19-521(a) through (g) and 19-522. (P)
13. Subdivision plats shall include notes informing future property owners within the development of anticipated industrial development in the area. (P)
14. A Tree Save Area shall be established which shall extend along the steep slopes of the James River and 10' back from the crest of the hill. It is the intent of this proffer to: (1) protect the overall forest canopy along the steep slopes, by prohibiting, subject to the below conditions, the removal of trees on said steep slopes; (2) allow the removal of trees below the steep slopes at the discretion of the developer, his heirs, successors and assigns; (3) allow, even within the tree protection zone, (a) the removal of trees and/or brush being less than 6 inches in diameter, (b) the removal of dead and/or diseased trees or diseased limbs of trees; and/or (c) the removal of limbs of trees in the tree protection zone ("limbing up") in order to provide for scenic vistas from home sites located within the development located along the banks of the James River. The exact location of all tree save area shall be established at the time of tentative subdivision review.

It is the further intent of this proffer to protect the forest canopy on the steep slopes of the James River as it meanders by the development so as to preserve its view from the river, but allow the developer, its heirs and/or successors and/or assigns to remove and trim trees in order to provide scenic view of the river from the lots to be developed and sold along the river bank. (P)

15. Areas Along Roads. A fifty (50) foot area north of Meadowville Road as required by Section 17-70 of the Subdivision Ordinance shall be maintained by the homeowners association. (P)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

04SN0196

In Matoaca Magisterial District, THE TREBOUR FAMILY - LIMITED PARTNERSHIP requests Conditional Use Planned Development and amendment of zoning district map to permit body, major engine and transmission repair of motor vehicles and exceptions to Ordinance requirements for signs plus amendment to Case 95SN0197 relative to architectural standards. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light commercial use. This request lies in a Regional Business (C-4) District on 16 acres fronting approximately 1,400 feet on the south line of Hull Street Road, also fronting approximately 1,200 feet on the west line of Lonas Parkway and located in the southwest quadrant of the intersection of these roads. Tax IDs 736-679-6168, 7262, 8553 and 9075; and 737-679-Part of 0848 and Part of 9051 (Sheet 16).

Ms. Beverly Rogers presented a summary of Case 04SN0196 and stated staff and the Planning Commission recommended approval to permit body, major engine and transmission repair and the amendment relative to architectural standards because the proposed land use is representative of, and compatible with, existing and anticipated area development and existing development standards and proposed conditions further ensure land use compatibility. She further stated staff recommended denial of the request for sign exceptions, indicating that current sign standards provide adequate identification for uses on the property. She stated the Planning Commission recommends approval of the sign exceptions, indicating that the proposed size and height is consistent with that of a freestanding sign for an automobile dealership.

Mr. Andy Scherzer, representing the applicant, stated the Planning Commission's recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved Case 04SN0196 subject to the following condition:

The Textual Statement revised February 13, 2004, shall be considered the Master Plan. (P)

- (NOTES: A. This condition is in addition to those conditions approved as part of Case 95SN0197, 97SN0162 and 97SN0239 for the subject property.
- B. With approval of this request, Proffered Condition 8 of Case 95SN0197 is hereby deleted for the subject property.)

And, further, the Board accepted the following proffered conditions:

1. Views from Lonas Parkway of garage doors as well as storage yards for vehicles awaiting repair shall be minimized through the use of landscaping, setbacks or architectural treatment, or a combination thereof. This exact treatment shall be reviewed and approved by the Planning Department at the time of site plan review. (P)
2. Freestanding light poles shall not exceed a height of twenty (20) feet at the perimeter of the project and shall not exceed a height of twenty-five (25) feet within the interior of the project. (P)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

02SN0296 (Amended)

In Bermuda Magisterial District, TED A. WILLIAMS, THOMAS A. WILLIAMS, GRACE M. WILLIAMS TRUST AND GEORGE P. EMERSON, JR. request rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3) of 19.0 acres plus proffered conditions on 1.4 acres currently zoned Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use. This request lies on 20.4 acres fronting approximately 850 feet on the south line of East Hundred Road, across from Rivers Bend Boulevard. Tax IDs 815-651-3676 and 7189 and 815-652-2337, 3334, 3521 and 4930 (Sheet 27).

Ms. Rogers presented a summary of Case 02SN0296 and stated staff recommends denial because the applicant has not agreed to the less intense uses on the east side of the development consistent with the recommendations of the Consolidated Eastern Area Plan. She noted the applicant has agreed to provide the transitional uses within 270 feet of the southern boundary, which is consistent with the Plan. She stated the Planning Commission recommended approval and acceptance of the proffered conditions, indicating that the applicant has addressed transitional uses consistent with the plan on the southern portion of the property and noted that adjacent property to the east is already zoned C-5 and, therefore, it would not be appropriate to require transitional uses adjacent to existing C-5 zoning.

Mr. Oliver "Skitch" Rudy, representing the applicant, stated Proffered Condition 7 regarding uses within 270 feet of the southern property line addresses the concerns of the residents to the south of the subject property. He further stated the Planning Commission's recommendation is acceptable.

Mr. Miller called for public comment.

Mr. Mark Nickel, a resident of Back Stretch Court, stated he supports the proposal provided that the existing Resource Protection Area (RPA) is preserved.

There being no one else to speak to the request, the public hearing was closed.

In response to Mr. King's questions, Mr. McElfish stated staff always tries to minimize encroachment into RPAs.

Mr. King stated he believes the RPA has been protected to the best of the county's ability.

Mr. King then made a motion, seconded by Mrs. Humphrey, for the Board to approve Case 02SN0296 and accepted the following proffered conditions:

1. Prior to any final site plan approval, the following rights-of-way shall be dedicated, free and unrestricted, to the County of Chesterfield:
 - a. One hundred (100) feet of right-of-way on the south side of Route 10 measured from the centerline of that part of Route 10 immediately adjacent to the property frontage.
 - b. Fifty (50) foot wide rights-of-way for special access streets pursuant to Section 19-505(b) of the Zoning Ordinance: (i) from Route 10 at a location that aligns the crossover on Route 10 which serves Rivers Bend Boulevard, southward along the eastern property line of and to the southern property line of the parcel identified as Tax ID 815-652-0203 (the "North/South Street"); and (ii) from the North/South Street, eastward to the eastern property line (the "East/West Street"). The exact location of these rights-of-way shall be approved by the Transportation Department. (T)
2. Direct access from the property to Route 10 shall be limited to: 1) the North/South Street; and 2) one (1) entrance/exit (the "Site Access") generally located midway of the property frontage. The exact location of these accesses shall be approved by the Transportation Department. (T)
3. To provide an adequate roadway system, the owner/developer shall be responsible for the following:
 - a. Construction of an additional lane of pavement (i.e., fourth eastbound lane) along Route 10 for the entire property frontage.

- b. Construction of additional pavement along Route 10 at the North/South Street and at the Site Access intersections to provide a separate right turn lane, based on Transportation Department standards.
 - c. Construction of additional pavement along the westbound lanes of Route 10 to provide an adequate left turn lane at the Route 10 crossover that serves the North/South Street. The exact length of this improvement shall be approved by the Transportation Department.
 - d. Full cost of traffic signal modification at the North/South Street/ Route 10 intersection.
 - e. Construction of two (2) lanes of: 1) the North/South Street from Route 10 to the East/West Street; and 2) the East/West Street from the North/South Street to the eastern property line.
 - f. Construction of the North/South Street at its intersection with Route 10 as a three-lane typical section (i.e., one (1) southbound lane and two (2) northbound lanes). The exact length of this improvement shall be approved by the Transportation Department.
 - g. Dedication, to and for the benefit of Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire the right-of-way necessary for the right turn lane at the North/South Street as identified in Proffered Condition 3.b., the developer may request, in writing, the County to acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way, and only provide the road improvement that can be accommodated within available right-of-way as determined by the Transportation Department. (T)
- 4. Prior to any final site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 3, shall be submitted to and approved by the Transportation Department. (T)
 - 5. The public water and wastewater systems shall be used. (U)
 - 6. Except for timbering approved by the Virginia Division of Forestry for the purpose of removing dead and/or diseased trees, there shall be no timbering on the Property until a Land Disturbance Permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)

7. Only the following uses shall be allowed within 270 feet of the southern property line: (a) offices; libraries; brokerages; churches and or/Sunday schools; convalescent homes, nursing homes and rest homes; group care facilities; museums; nursery schools and child and adult care centers; and customary accessory uses, (b) best management practice facilities and (c) utilities. Further, the East/West Street shall be located a minimum of 270 feet from the southern property line. (P)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

16. PUBLIC HEARINGS

16.B. TO CONSIDER AN ORDINANCE ESTABLISHING AN AUXILIARY POLICE FORCE

Major Warner Williams stated this date and time has been advertised for a public hearing for the Board to consider an ordinance establishing an auxiliary police force. He further stated state law has been amended which will abolish the Special Police Unit currently operated by the county.

Mr. Miller called for public comment.

No one came forward to speak to the ordinance.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF CHESTERFIELD, 1997, AS AMENDED, BY ADDING SECTION 2-3 RELATING TO THE ESTABLISHMENT OF AN AUXILIARY POLICE FORCE

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 2-3 of the Code of the County of Chesterfield, 1997, as amended, is added to read as follows:

Sec. 2-3. Auxiliary police force.

(a) Pursuant to Va. Code § 15.2-1731, as amended, for the further preservation of the public peace, safety and good order of the community, the county hereby establishes an auxiliary police force, which will have all the powers and authority and all the immunities of full-time law-enforcement officers, if such forces have met the training requirements established by the Department of Criminal Justice Services under Va. Code § 9.1-101, as amended.

(b) The police chief is hereby authorized to appoint as auxiliary police officers as many persons of good character as he deems necessary, not to exceed 50. The chief of police is also authorized to prescribe the uniform, organization, and such rules as he deems necessary for the operation of the auxiliary police force.

(c) The auxiliary police officers may be called into service as provided in Va. Code § 15.2-1734, as amended. In

addition, the members of the auxiliary police force who have been trained in accordance with the provisions of Va. Code § 15.2-1731, as amended, may be called into service by the chief of police, or his designee, to aid and assist regular police officers in the performance of their duties.

(2) That this ordinance shall become effective September 1, 2004.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. Miller recognized members of the county's Special Police Unit who were present at the meeting.

**16.D. TO CONSIDER AN ORDINANCE AMENDMENT TO SECTION 15-218
OF THE COUNTY CODE RELATING TO PUBLIC LIABILITY
INSURANCE REQUIREMENTS FOR TAXICABS**

Mr. Micas stated this date and time has been advertised for the Board to consider an ordinance amendment relative to public liability insurance requirements for taxicabs. He further stated both the Richmond Regional Taxicab Advisory Board and staff support the proposed amendment.

Mr. Barber stated the county's current insurance requirement for taxicabs is much more expensive than in surrounding jurisdictions; therefore, taxicab drivers go to other jurisdictions to register for a business license. He further stated the proposed ordinance will provide the opportunity for taxicab drivers to register for a business license and acquire insurance and inspections in the county, rather than going to other jurisdictions.

Mr. Miller called for public comment.

No one came forward to speak to the issue.

Mr. Barber made a motion, seconded by Mrs. Humphrey, for the Board to adopt an ordinance relating to public liability for insurance requirements for taxicabs.

Mrs. Humphrey suggested that the hospitality industry be informed that taxicabs are now available in the county consistent with other area localities.

Mr. Miller called for a vote on the motion of Mr. Barber, seconded by Mrs. Humphrey, for the Board to adopt the following ordinance amendment:

**AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING AND RE-
ENACTING SECTION 15-218 RELATING TO PUBLIC LIABILITY
INSURANCE REQUIREMENTS FOR TAXICABS**

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 15-218 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:

ARTICLE IX. TAXICABS

o o o

DIVISION 4. OPERATING REGULATIONS

o o o

Sec. 15-218. Public liability insurance required.

No person shall operate a taxicab until the owner provides the chief of police a certificate of insurance against public liability and property damage for each vehicle operated by the owner within the county, in a form approved by the county's risk manager and in an amount not less than the insurance requirements under article 2; chapter 20; subtitle V of title 46.2, Code of Virginia, 1950, as amended.

(2) That this ordinance shall become effective immediately upon adoption.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

16.E. TO CONSIDER THE APPROVAL OF A GROUND LEASE IN CONNECTION WITH CERTIFICATES OF PARTICIPATION FINANCING FOR VARIOUS CAPITAL IMPROVEMENT PROJECTS, AND ADOPTION OF A RESOLUTION TO AUTHORIZE ENTERING INTO A GROUND LEASE AND OTHER ACTIONS RELATED TO CERTIFICATES OF PARTICIPATION FINANCING FOR VARIOUS CAPITAL IMPROVEMENT PROJECTS, AND THE APPROPRIATION OF ANTICIPATED PROCEEDS FOR THE CHESTER HOUSE REHABILITATIVE PROJECT AND HANGAR SPACE AT THE CHESTERFIELD COUNTY AIRPORT

Ms. Dickson stated this date and time has been advertised for a public hearing for the Board to consider approval of a ground lease in connection with Certificates of Participation financing for various capital improvement projects, adoption of a resolution to authorize entering into a ground lease and other actions related to Certificates of Participation financing for various capital improvement projects, and the appropriation of anticipated proceeds for the Chester House Rehabilitative Project and hangar space at the Chesterfield County Airport.

Mr. Miller called for public comment.

No one came forward to speak to the issue.

On motion of Mr. Warren, seconded by Mr. Barber, the Board adopted the following resolution approving entering into a Ground Lease, a Lease/Purchase Agreement, a Trust Agreement, and other related agreements in connection with Certificates of Participation financing for the County Jail Replacement Project, the Community Development Building, the Systems Integration Project, the Chester House Rehabilitative Facility and hangar space at the Chesterfield County Airport:

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF CHESTERFIELD, VIRGINIA, APPROVING THE FORMS AND THE TERMS, CONDITIONS AND PROVISIONS AND AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST SUPPLEMENTAL LEASE/PURCHASE AGREEMENT,

DATED AS OF MARCH 1, 2004, BY AND BETWEEN SUNTRUST LEASING CORPORATION, AS LESSOR, AND THE COUNTY, AS LESSEE, SUPPLEMENTING A LEASE/PURCHASE AGREEMENT, DATED AS OF MARCH 1, 2003, BY AND BETWEEN SUCH PARTIES, AND A FIRST SUPPLEMENTAL TRUST AGREEMENT, DATED AS OF MARCH 1, 2004, BY AND AMONG SUNTRUST BANK, AS THE TRUSTEE, SUNTRUST LEASING CORPORATION AND THE COUNTY, SUPPLEMENTING A TRUST AGREEMENT, DATED AS OF MARCH 1, 2003, BY AND AMONG SUCH PARTIES, IN CONNECTION WITH THE AUTHORIZATION, ISSUANCE, SALE AND DELIVERY OF \$14,900,000 PRINCIPAL AMOUNT OF CERTIFICATES OF PARTICIPATION, SERIES 2004A, DATED MARCH 1, 2004, TO FINANCE A PORTION OF THE COST OF THE ACQUISITION, CONSTRUCTION, INSTALLATION, FURNISHING AND EQUIPPING OF A NEW COUNTY JAIL; APPROVING THE FORMS AND THE TERMS, CONDITIONS AND PROVISIONS AND AUTHORIZING THE EXECUTION AND DELIVERY OF A GROUND LEASE, DATED AS OF MARCH 1, 2004, BY AND BETWEEN THE COUNTY, AS LESSOR, AND SUNTRUST LEASING CORPORATION, AS LESSEE, A LEASE/PURCHASE AGREEMENT, DATED AS OF MARCH 1, 2004, BY AND BETWEEN SUNTRUST LEASING CORPORATION, AS LESSOR, AND THE COUNTY, AS LESSEE, AND A TRUST AGREEMENT, DATED AS OF MARCH 1, 2004, BY AND AMONG THE COUNTY, SUNTRUST BANK, AS TRUSTEE, AND SUNTRUST LEASING CORPORATION IN CONNECTION WITH THE AUTHORIZATION, ISSUANCE, SALE AND DELIVERY OF \$6,940,000 PRINCIPAL AMOUNT OF CERTIFICATES OF PARTICIPATION, SERIES 2004B, DATED MARCH 1, 2004, TO FINANCE A PORTION OF THE COST OF ACQUISITION, CONSTRUCTION, INSTALLATION, FURNISHING AND EQUIPPING OF A NEW COMMUNITY DEVELOPMENT BUILDING, THE CHESTER HOUSE REHABILITATIVE FACILITY, AN AIRPORT HANGAR PROJECT AT THE CHESTERFIELD COUNTY AIRPORT AND AN EMERGENCY SYSTEMS INTEGRATION PROJECT FOR THE COUNTY; AUTHORIZING AND DIRECTING THE PREPARATION AND DISTRIBUTION OF A PRELIMINARY OFFERING STATEMENT AND THE PREPARATION, EXECUTION AND DELIVERY OF AN OFFERING STATEMENT AND DEEMING THE PRELIMINARY OFFERING STATEMENT FINAL FOR PURPOSES OF SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12; DELEGATING TO THE COUNTY ADMINISTRATOR THE AUTHORITY TO APPROVE THE SALE OF THE CERTIFICATES AND THE DEFINITIVE DETAILS OF THE CERTIFICATES; AUTHORIZING THE MEMBERS OF SUCH BOARD AND THE OFFICIALS AND EMPLOYEES OF SUCH COUNTY TO TAKE FURTHER ACTION TO CARRY OUT, GIVE EFFECT TO AND CONSUMMATE THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; AND MAKING CERTAIN FINDINGS AND DETERMINATIONS

WHEREAS, the Board of Supervisors (the "Board") of the County of Chesterfield, Virginia (the "County"), in a resolution adopted by the Board on February 26, 2003 (the "February 26, 2003 Resolution") has heretofore determined that it was advisable for the County to enter into a Ground Lease, dated as of March 1, 2003 (the "2003 Ground Lease"), by and between the County, as lessor, and SunTrust Leasing Corporation (the "Leasing Corporation"), as lessee, providing for the leasing by the County to the Leasing Corporation of the site of a new County Jail and such buildings now or hereafter existing thereon and conducted a public hearing with respect to the same in accordance with Section 15.2-1800.B of the Code of Virginia, 1950 (the "Virginia Code"), on February 26, 2003; and

WHEREAS, the Board in the February 26, 2003 Resolution determined that it was advisable for the County to enter into a Lease/Purchase Agreement, dated as of March 1, 2003 (the "2003 Lease/Purchase Agreement"), by and between the Leasing

Corporation, as lessor, and the County, as lessee, providing for the leasing by the County from the Leasing Corporation of such site and such buildings; and

WHEREAS, the Board in the February 26, 2003 Resolution determined that it was advisable for the County to enter into a Trust Agreement, dated as of March 1, 2003 (the "2003 Trust Agreement"), by and among SunTrust Bank, as Trustee (the "Trustee"), the Leasing Corporation and the County; and

WHEREAS, on March 26, 2003, there were issued under the 2003 Trust Agreement, \$3,030,000 principal amount of Certificates of Participation, Series 2003B, dated March 1, 2003 (the "Series 2003 Certificates"), for the purpose of financing a portion of the costs of the acquisition, construction, installation, furnishing and equipping of the Project as defined in the 2003 Lease/Purchase Agreement (the "2003 Project"); and

WHEREAS, the 2003 Trust Agreement authorizes the issuance of Additional Certificates payable from rentals payable under the 2003 Lease/Purchase Agreement and entitled to the lien and charge securing the Outstanding Certificates issued under the 2003 Trust Agreement to pay any Cost of the Project described in the 2003 Trust Agreement which is not provided from the proceeds of the Series 2003B Certificates; and

WHEREAS, the Board has determined that it is advisable for the County to enter into (i) a First Supplemental Lease/Purchase Agreement, dated as of March 1, 2004 (the "First Supplemental Lease/Purchase Agreement"), by and between the Leasing Corporation, as lessor, and the County, as lessee, supplementing the 2003 Lease/Purchase Agreement; and (ii) a First Supplemental Trust Agreement, dated as of March 1, 2004 (the "First Supplemental Trust Agreement"), by and among the Trustee, the Leasing Corporation and the County, supplementing the 2003 Trust Agreement, in connection with the issuance of \$14,900,000 principal amount of Certificates of Participation, Series 2004A, dated March 1, 2004 (the "Series 2004A Certificates"), as Additional Certificates under the 2003 Trust Agreement for the purpose of financing additional costs of the 2003 Project; and

WHEREAS, the Board has determined that it is advisable for the County to enter into a Ground Lease, dated as of March 1, 2004 (the "2004 Ground Lease"), by and between the County, as lessor, and the Leasing Corporation, as lessee, providing for the leasing by the County to the Leasing Corporation of the sites of a new Community Development Building, the Chester House Rehabilitative Facility and an Airport Hangar Project (comprised of a new corporate hangar and a new T-hangar) at the Chesterfield County Airport and such buildings now or hereafter existing thereon and has determined to conduct a public hearing with respect to the same in accordance with Virginia Code Section 15.2-1800.B, on March 10, 2004 at the regular meeting of the Board at which this resolution is being adopted; and

WHEREAS, the Board has determined that it is advisable for the County to enter into a Lease/Purchase Agreement, to be dated as of March 1, 2004 (the "2004 Lease/Purchase Agreement"), by and between the Leasing Corporation, as

lessor, and the County, as lessee, providing, among other things, for the leasing by the County from the Leasing Corporation of such sites and such buildings, together with the Emergency Systems Integration Project referred to hereinafter; and

WHEREAS, the Board has determined that it is advisable for the County to enter into a Trust Agreement, dated as of March 1, 2004 (the "2004 Trust Agreement"), by and among the Trustee, the Leasing Corporation and the County; and

WHEREAS, the Board has determined that it is advisable for the County to enter into (i) the 2004 Ground Lease; (ii) the 2004 Lease/Purchase Agreement; and the 2004 Trust Agreement, in connection with the issuance of \$6,940,000 principal amount of Certificates of Participation, Series 2004B, dated March 1, 2004 (the "Series 2004B Certificates" and, collectively with the Series 2004A Certificates, the "Certificates"), under the 2004 Trust Agreement for the purpose of financing a portion of the costs of the acquisition, construction, installation, furnishing and equipping of a new Community Development Building, the Chester House Rehabilitative Facility, an Airport Hangar Project (comprised of a new corporate hangar and a new T-hangar) at the Chesterfield County Airport and an Emergency Systems Integration Project and related on-site and off-site improvements; and

WHEREAS, the Board has determined that it is advisable to take certain other actions in connection with the authorization, issuance, sale and delivery of the Certificates, including delegating to the County Administrator the authority to approve the interest rates for and other details of the Certificates;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF CHESTERFIELD, VIRGINIA:

SECTION 1. Definitions.

"Certificates" shall mean collectively the Series 2004A Certificates and the Series 2004B Certificates.

"First Supplemental Lease/Purchase Agreement" shall mean the First Supplemental Lease/Purchase Agreement, dated as of March 1, 2004, by and between the Leasing Corporation, as lessor, and the County, as lessee, supplementing the 2003 Lease/Purchase Agreement.

"First Supplemental Trust Agreement" shall mean the First Supplemental Trust Agreement, dated as of March 1, 2004, by and among the Trustee, the Leasing Corporation and the County, supplementing the 2003 Trust Agreement.

"Leasing Corporation" shall mean SunTrust Leasing Corporation, a corporation organized and existing under the laws of Commonwealth of Virginia.

"Project" shall have the meaning given to such term in each of the 2003 Lease/Purchase Agreement and the 2004 Lease/Purchase Agreement. "Projects" shall mean collectively the Project as such term is defined in the 2003 Lease/Purchase Agreement and the Project as such term is

defined in the 2004 Lease/Purchase Agreement.

"Trustee" shall mean SunTrust Bank, a banking corporation organized and existing under the laws of the State of Georgia and having a corporate trust office in the City of Richmond, Virginia.

"2003 Lease/Purchase Agreement" shall mean the Lease/Purchase Agreement, dated as of March 1, 2003, by and between the Leasing Corporation, as lessor, and the County, as lessee.

"2003 Trust Agreement" shall mean the Trust agreement, dated as of March 1, 2003, by and between the Leasing Corporation, as lessor, and the County, as lessee.

"2004 Ground Lease" shall mean the Ground Lease, dated as of March 1, 2004, to be entered into by and between the County, as lessor, and the Leasing Corporation, as lessee.

"2004 Lease/Purchase Agreement" shall mean Lease/Purchase Agreement, to be dated as of March 1, 2004, to be entered into by and between the Leasing Corporation, as lessor, and the County, as lessee, providing for the leasing of the Project (as defined in the 2004 Lease/Purchase Agreement) to the County.

"2004 Trust Agreement" shall mean the Trust Agreement, dated as of March 1, 2004, to be entered into by and among the Trustee, the Leasing Corporation and the County.

"2004A Certificates" shall mean \$14,900,000 principal amount the Certificates of Participation, Series 2004A, dated March 1, 2004, to be issued as Additional Certificates under the 2003 Trust Agreement.

"2004B Certificates" shall mean the \$6,940,000 principal amount of Certificates of Participation, Series 2004B, dated March 1, 2004, to be issued as the initial series of Certificates under the 2004 Trust Agreement.

SECTION 2. Findings and Determinations. The Board hereby finds and determines that:

(a) The leasing of each of the Projects is presently essential to the County and are anticipated to continue to be essential to the County.

(b) (i) The representations set forth in Section 2.1 of the 2003 Lease/Purchase Agreement, as supplemented by the First Supplemental Lease/Purchase Agreement, are true and correct on and as of the date of adoption of this Resolution.

(ii) The statements set forth in Section 4.4 of the 2003 Lease/Purchase Agreement, as supplemented by the First Supplemental Lease/Purchase Agreement, accurately reflect the intention of the Board with respect to the subject matter thereof, subject to the qualification recited therein that the Board is not empowered to make any commitment beyond the current fiscal year of the County.

(c) (i) The representations set forth in Section 2.1 of the 2004 Lease/Purchase Agreement are true and correct on and as of the date of adoption of this Resolution.

(ii) The statements set forth in Section 4.4 of the 2004 Lease/Purchase Agreement accurately reflect the intention of the Board with respect to the subject matter thereof, subject to the qualification recited therein that the Board is not empowered to make any commitment beyond the current fiscal year of the County.

SECTION 3. Approval of the Form of the First Supplemental Lease/Purchase Agreement and the Terms, Conditions and Provisions Thereof; Execution and Delivery of the First Supplemental Lease/Purchase Agreement. The form of the First Supplemental Lease/Purchase Agreement presented to and filed with the minutes of the meeting of the Board at which this resolution is being adopted and the terms, conditions and provisions thereof (including in particular the Base Payments and Additional Base Payments required to be paid thereunder as the same shall be set forth in the exhibits thereto and the other rental payments required to be paid thereunder) are hereby approved, ratified and confirmed, and the County Administrator or any Deputy County Administrator is hereby authorized and directed to execute and deliver to the Leasing Corporation the First Supplemental Lease/Purchase Agreement in such form, together with such changes as shall be approved by the County Administrator or Deputy County Administrator executing the same upon the advice of counsel to the County, such approval to be conclusively evidenced by his execution thereof.

SECTION 4. Approval of the Form of the First Supplemental Trust Agreement and the Terms, Conditions and Provisions Thereof; Execution and Delivery of the First Supplemental Trust Agreement. The form of the First Supplemental Trust Agreement presented to and filed with the minutes of the meeting of the Board at which this resolution is being adopted and the terms, conditions and provisions thereof, are hereby approved, ratified and confirmed, and the County Administrator or any Deputy County Administrator is hereby authorized and directed to execute and deliver the First Supplemental Trust Agreement to the Trustee and the Leasing Corporation, together with such changes as shall be approved by the County Administrator or Deputy County Administrator executing the same upon the advice of counsel to the County, such approval to be conclusively evidenced by his execution thereof.

SECTION 5. Approval of the Form of the 2004 Ground Lease and the Terms, Conditions and Provisions Thereof; Authorization and Direction of Execution and Delivery of the 2004 Ground Lease. The form of the 2004 Ground Lease presented to and filed with the minutes of the meeting of the Board at which this resolution is being adopted and the terms, conditions and provisions thereof, are hereby approved, ratified and confirmed, and the County Administrator or any Deputy County Administrator is hereby authorized and directed to execute and deliver to the Leasing Corporation the 2004 Ground Lease in such form, together with such changes as shall be approved by the County Administrator or Deputy County Administrator executing the same upon advice of counsel to the County, such approval to be conclusively evidenced by his execution thereof.

SECTION 6. Approval of the Form of the 2004 Lease/Purchase Agreement and the Terms, Conditions and Provisions Thereof; Execution and Delivery of the 2004 Lease/Purchase Agreement. The form of the 2004 Lease/Purchase Agreement presented to and filed with the minutes of the meeting of the Board at which this resolution is being adopted and the terms, conditions and provisions thereof (including in particular the Base Payments required to be paid thereunder as the same shall be set forth in the exhibits thereto and the other rental payments required to be paid thereunder) are hereby approved, ratified and confirmed, and, subject to the execution and delivery by the County of the 2004 Ground Lease in accordance with Section 5, the County Administrator or any Deputy County Administrator is hereby authorized and directed to execute and deliver to the Leasing Corporation the 2004 Lease/Purchase Agreement in such form, together with such changes as shall be approved by the County Administrator or Deputy County Administrator executing the same upon the advice of counsel to the County, such approval to be conclusively evidenced by his execution thereof.

SECTION 7. Approval of the Form of the 2004 Trust Agreement and the Terms, Conditions and Provisions Thereof; Execution and Delivery of the 2004 Trust Agreement; Approval of Appointment of Trustee. (a) The form of the 2004 Trust Agreement presented to and filed with the minutes of the meeting of the Board at which this resolution is being adopted and the terms, conditions and provisions thereof, are hereby approved, ratified and confirmed, and, subject to the execution and delivery by the County of the 2004 Ground Lease in accordance with Section 5, the County Administrator or any Deputy County Administrator is hereby authorized and directed to execute and deliver the 2004 Trust Agreement to the Trustee and the Leasing Corporation, together with such changes as shall be approved by the County Administrator or Deputy County Administrator executing the same upon the advice of counsel to the County, such approval to be conclusively evidenced by his execution thereof.

(b) The Board hereby approves the appointment of SunTrust Bank as Trustee under the 2004 Trust Agreement.

SECTION 8. Preparation and Distribution of Preliminary Offering Statement and Preparation, Execution and Delivery of Offering Statement; Preliminary Offering Statement "Deemed Final" for Purposes of Rule 15c2-12 of the Securities and Exchange Commission. (a) The County Administrator and other appropriate officials and employees of the County are hereby authorized and directed to prepare and distribute or disseminate, or cause to be prepared and distributed or disseminated, to prospective purchasers of the Certificates a Preliminary Offering Statement relating to the Certificates (the "Preliminary Offering Statement"), such Preliminary Offering Statement to be in substantially the form presented to and filed with the minutes of the meeting of the Board at which this Resolution is being adopted. All actions taken by the officials, employees, agents and attorneys of the County with respect to the preparation and distribution or dissemination of such Preliminary Offering Statement prior to the date hereof are hereby approved, ratified and confirmed.

(b) The County Administrator and other appropriate officials and employees of the County are hereby authorized and directed to prepare, or to cause to be prepared, an Offering Statement relating to the Certificates (the "Offering Statement"), such Offering Statement to be in substantially the form of the Preliminary Offering Statement with the completion therein of the information with respect to the interest rates to be borne by the Certificates as specified by the successful bidder for the Certificates and other definitive details of the Certificates determined upon the sale of the Certificates to the successful bidder therefor.

(c) The County Administrator is hereby authorized to execute and deliver to the representative of the purchasers of the Certificates the Offering Statement relating to the Certificates in accordance with the provisions of the Detailed Notice of Sale relating to the Certificates.

(d) The Preliminary Offering Statement shall be "deemed final" as of its date for purposes of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934 ("Rule 15c2-12") except for the omission of certain information permitted to be omitted by Rule 15c2-12. The County Administrator is hereby authorized to execute and deliver to the representative of the purchasers of the Certificates a certificate dated the date of the Preliminary Offering Statement stating that the Preliminary Offering Statement is "deemed final" as of its date by the County for purposes of Rule 15c2-12.

SECTION 9. Sale of Certificates; Details of Certificates. (a) There is hereby delegated to the County Administrator authority, without further action by the Board, to approve the sale of the Certificates at competitive sale at not less than 99% of the principal amount thereof, plus accrued interest thereon from March 1, 2004 and payment therefor, and on such other terms and conditions as shall be provided in the Detailed Notice of Sale relating to the Certificates. The County Administrator is hereby authorized to cause to be published and distributed a Detailed Notice of Sale relating to the Certificates in such form and containing such terms and conditions as he may deem advisable, subject to the provisions hereof. In lieu of publishing the full text of the Detailed Notice of Sale relating to the Certificates in accordance with the provisions of the immediately preceding sentence, the County Administrator is hereby authorized to cause a Summary Notice of Sale of the Certificates in such form as the County Administrator shall approve to be published in *The Bond Buyer* on a date selected by the County Administrator and is hereby further authorized to cause to be prepared and distributed a Detailed Notice of Sale relating to the Certificates, such Detailed Notice of Sale to be in substantially the form set forth in Appendix F to the Preliminary Offering Statement relating to the Certificates presented to the meeting at which this Resolution is being adopted.

(b) The County is hereby authorized to receive bids for the purchase of the Certificates and, the County Administrator, without further action by the Board, is

authorized to approve the acceptance of the bid offering to purchase the Certificates at the lowest true interest cost to the County, computed in accordance with the provisions of the Detailed Notice of Sale; *provided* that (i) such bid is accompanied by a surety bond meeting the conditions specified in the Detailed Notice of Sale relating to the Certificates and is otherwise in conformity with such Detailed Notice of Sale, (ii) no premium payable upon the redemption of the Certificates shall be in excess of two percent (2%) and (iii) the true interest cost to the County as specified in such bid is not in excess of six percent (6%).

(c) The County Administrator, the Director of Accounting and the County Attorney are hereby authorized to execute and deliver to the purchasers of the Certificates one or more certificates in the forms provided for in the Offering Statement relating to the Certificates.

(d) The County Administrator is hereby authorized to approve the definitive details of the Certificates as the same shall be set forth in the Detailed Notice of Sale, the Preliminary Offering Statement, the Offering Statement and the bid submitted by the successful bidder for the Certificates.

SECTION 10. Tax Covenant. The County covenants and agrees to comply with the provisions of Sections 103 and 141-150 of the Internal Revenue Code of 1986 and the applicable Treasury Regulations promulgated thereunder throughout the term of the Certificates.

SECTION 11. Further Action of the Board and of the Officials and Employees of the County. The members of the Board and the officials and employees of the County are hereby authorized and directed to take any and all such further action as upon advice of counsel to the County they shall deem necessary or desirable in order to carry out, give effect to and consummate the transactions contemplated by this resolution and by the terms of the First Supplemental Lease/Purchase Agreement, the First Supplemental Trust Agreement, the 2004 Ground Lease, the 2004 Lease/Purchase Agreement and the 2004 Trust Agreement and by any of the documents referred to herein or therein or approved hereby or thereby.

SECTION 12. Appropriation for the Chester House Rehabilitative Facility and the New Airport Hangar Project at the Chesterfield County Airport. The Board of Supervisors (a) hereby declares its intent to appropriate the amount of \$1,500,000 to pay costs of acquisition, construction, installation, furnishing and equipping of the Chester House Rehabilitative Facility and hereby authorizes the use of such amount to pay costs of the acquisition, construction, installation, furnishing and equipping of the Chester House Rehabilitative Facility and (b) hereby declares its intent to appropriate the amount of \$1,000,000 to pay costs of acquisition, construction, installation, furnishing and equipping of the new Airport Hangar Project at the Chesterfield County Airport and hereby authorizes the use of such amount to pay costs of the acquisition, construction, installation, furnishing and equipping of the new Airport Hangar Project at the Chesterfield County Airport.

SECTION 13. Repeal of Conflicting Resolutions. All resolutions, or portions thereof, heretofore adopted by the Board which are in conflict or inconsistent with this resolution are hereby repealed to the extent of such inconsistency.

SECTION 14. Effectiveness of Resolution. This resolution shall be effective from and after its adoption.

And, further, the Board appropriated up to \$2,500,000 in anticipated proceeds for the Chester House Rehabilitative Project and hangar space at the Chesterfield County Airport.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

16.F. TO CONSIDER FY2005 ENHANCEMENT PROJECTS

Mr. Stith stated this date and time has been advertised for the Board to consider FY2005 Enhancement Projects.

Mr. Miller called for public comment.

No one came forward to speak to the issue.

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved the FY2005 Enhancement Priority Project list and authorized staff to forward the list to the Richmond and Tri-Cities Metropolitan Planning Organizations. (It is noted the proposed FY2005 Enhancement Priority Project list is filed with the papers of this Board.)

And, further, the Board adopted the following resolution:

WHEREAS, in accordance with the Commonwealth Transportation Board (CTB) construction allocation procedures, it is necessary that the local governing body request, by resolution, approval of a proposed enhancement project.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Chesterfield County requests that the CTB establish a project for VSU Sidewalk along Hickory, River and East River Roads from the VSU dorms to existing sidewalk on East River Road.

AND, BE IT FURTHER RESOLVED, that the Board hereby agrees to pay 20 percent of the total estimated cost of \$175,000 for planning, design, right-of-way, and construction of the Project, and that, if the Board subsequently elects to unreasonably cancel this project, the County of Chesterfield hereby agrees that the Virginia Department of Transportation (VDOT) will be reimbursed for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

And, further, the Board designated General Fund Road Improvement Funds for the new project's local match funds, if the project is approved by VDOT; and authorized the County Administrator to enter into agreements for the projects.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**16.G. TO CONSIDER AN ORDINANCE TO VACATE AN EIGHT-FOOT
EASEMENT ACROSS LOT 62, EDGEWATER AT THE
RESERVOIR, SECTION 6**

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider an ordinance to vacate a portion of an eight-foot easement across Lot 62, Edgewater At the Reservoir, Section 6.

Mr. Miller called for public comment.

No one came forward to speak to the issue.

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board adopted the following ordinance:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to W. V. MCCLURE, INC., a Virginia corporation, t/a MAIN STREET HOMES, ("GRANTEE"), a portion of an 8' easement across Lot 62, Edgewater At The Reservoir, Section 6, MATOACA Magisterial District, Chesterfield County, Virginia, as shown on a plat thereof duly recorded in the Clerk's Office of the Circuit Court of Chesterfield County in Plat Book 131, at Page 23.

WHEREAS, MAIN STREET HOMES, petitioned the Board of Supervisors of Chesterfield County, Virginia to vacate a portion of an 8' easement across Lot 62, Edgewater At The Reservoir, Section 6, MATOACA Magisterial District, Chesterfield County, Virginia more particularly shown on a plat of record in the Clerk's Office of the Circuit Court of said County in Plat Book 131, Page 23, by TIMMONS, dated MAY 31, 2002, revised AUGUST 30, 2002, and recorded JANUARY 7, 2003. The portion of easement petitioned to be vacated is more fully described as follows:

A portion of an 8' easement, across Lot 62, Edgewater At The Reservoir, Section 6, the location of which is more fully shown on a plat made by BALZER AND ASSOCIATES, INC., dated MARCH 3, 2003, revised JANUARY 28, 2004 and FEBRUARY 17, 2004, a copy of which is attached hereto and made a part of this Ordinance.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and,

WHEREAS, no public necessity exists for the continuance of the portion of easement sought to be vacated.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHESTERFIELD COUNTY, VIRGINIA:

That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid portion of easement be and is hereby vacated.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance, together with the plat attached hereto shall be recorded no sooner than thirty days hereafter in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portion of the plat vacated. This Ordinance shall vest fee simple title of the portion of easement hereby vacated in the property owner of Lot 62, Edgewater At The Reservoir, Section 6 free and clear of any rights of public use.

Accordingly, this Ordinance shall be indexed in the names of the COUNTY OF CHESTERFIELD as GRANTOR, and W. V. MCCLURE, INC., a Virginia corporation, t/a MAIN STREET HOMES, or its successors in title, as GRANTEE.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

16.H. TO CONSIDER THE APPROPRIATION OF FUNDS ASSOCIATED WITH THE REFUNDING OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS

Mr. Stegmaier stated this date and time has been advertised for a public hearing for the Board to consider the appropriation of up to \$80,000,000 associated with the refunding of general obligation public improvement bonds. He further stated staff successfully secured bids for the refunding last week, lowering the interest rate to about 3.4 percent for a total cash savings of approximately \$2.7 million.

Mr. Miller called for public comment.

No one came forward to speak to the issue.

Mrs. Humphrey and Mr. Miller both commended staff for finding a refinancing opportunity that results in such an enormous cost savings.

Mrs. Humphrey then made a motion, seconded by Mr. Barber, for the Board to approve the appropriation of up to \$80,000,000 for the refunding of general obligation public improvement bonds and associated closing costs.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

16.I. TO CONSIDER THE CONVEYANCE OF COUNTY PROPERTY FOR THE WIDENING OF HULL STREET ROAD

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider the conveyance of county property to the Commonwealth of Virginia for the widening of Hull Street Road.

Mr. Miller called for public comment.

No one came forward to speak to the issue.

On motion of Mr. Warren, seconded by Mrs. Humphrey, the Board approved the conveyance of county owned parcels to the Commonwealth of Virginia for the widening of the west bound lanes of Hull Street Road from Swift Creek to Duckridge Boulevard, and authorized the Chairman of the Board of Supervisors and the County Administrator to sign the deed.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

16.J. TO CONSIDER A REQUEST TO QUITCLAIM PORTIONS OF AN UNIMPROVED RIGHT OF WAY KNOWN AS LE GORDON DRIVE

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider a request to quitclaim portions of an unimproved right of way known as Le Gordon Drive.

Mr. Miller called for public comment.

No one came forward to speak to the issue.

On motion of Mr. Barber, seconded by Mr. King, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed and boundary line agreement to vacate portions of an unimproved right of way known as Le Gordon Drive.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

17. REMAINING MOBILE HOME PERMITS AND ZONING REQUESTS

There were no remaining requests for mobile home permits or rezoning at this time.

18. ADJOURNMENT

On motion of Mr. King, seconded by Mr. Warren, the Board adjourned at 7:57 p.m. until March 24, 2004 at 3:30 p.m.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Lane B. Ramsey
County Administrator

Kelly E. Miller
Chairman